

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RICHARD SUTHERLAND,

Plaintiff,

**V.**

COMMISSIONER OF SOCIAL  
SECURITY,

**Defendant.**

CASE NO: 5:10-CV-1236

JUDGE DONALD C. NUGENT

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge George J. Limbert. The Report and Recommendation (ECF # 18), issued on July 27, 2011, is hereby ADOPTED by this Court. Plaintiff sought judicial review of the Social Security Administration's final decision denying his applications for Disability Insurance Benefits and Supplemental Security Income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381. Magistrate Judge Limbert found that the ALJ's decision was supported by substantial evidence and that the ALJ applied the appropriate legal standards. Mr. Sutherland timely filed his objections to the Magistrate Judge's Report and Recommendation. (ECF #19).


The Court has reviewed *de novo* those portions of the Magistrate Judge’s Report and Recommendation to which objections have been made. *See* FED. R. CIV. P. 72(b). The Court finds that Plaintiff’s objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate Judge’s Report and Recommendation. Mr. Sutherland alleged

disability stemming from left side paralysis, double brain aneurysms, brain surgery, headaches, high blood pressure, six angiograms, and pain on his left side. (ECF #11). Mr. Sutherland suffers from status post brain aneurysm and post-traumatic stress disorder (“PTSD”), both of which are considered severe impairments under 20 C.F.R. § § 404.1520(c) and 416.920(c). (ECF #11 ). Mr. Sutherland does not, however, have an impairment or combination of impairments that meets one of the impairments enumerated in 20 C.F.R. Part 404, Subpart P, Appendix 1 (“Listings”). (ECF #11). The medical record, as a whole, is varied and often inconsistent; however, it still leads to the conclusion that Mr. Sutherland’s incapacity does not meet the standard to be deemed a “disability.” A vocational expert (“VE”) testified that, although Mr. Sutherland could not perform his past work, he could perform jobs existing in significant numbers in the national economy. (ECF #11). In light of these findings, Mr. Sutherland is not under a disability as defined in the Social Security Act and is therefore not entitled to Disability Insurance Benefits or Supplemental Security Income. (ECF #18). The Court finds Magistrate Judge Limbert’s Report and Recommendation to be thorough, well-written, well-supported, and correct on all of the issues addressed therein.

The Magistrate Judge’s Report and Recommendation fully and correctly addresses all of the Plaintiff’s claims and the Plaintiff’s objections are unwarranted. The Court, therefore, adopts the Report and Recommendation in its entirety. Further, the Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253 (c); FED. R. APP. P. 22(b). The Social Security Administration’s final decision denying Mr. Sutherland’s applications for Disability Insurance Benefits and Supplemental Security Income is AFFIRMED.

IT IS SO ORDERED.

DATED: August 31, 2011

  
DONALD C. NUGENT  
United States District Judge